

## **PLANNING COMMISSION MEETING MINUTES**

City of Gardner, Kansas

Council Chambers

May 24, 2021

7 p.m.

### **CALL TO ORDER**

The meeting of the Gardner Planning Commission was called to order at 7:03 p.m. on Monday May 24, 2021, by Chairman Scott Boden.

### **PLEDGE OF ALLEGIANCE**

Chairman Boden led the Pledge of Allegiance.

### **ROLL CALL**

Commissioners present:

Chairman Boden

Commissioner Ham

Commissioner Meder

Commissioner McNeer

Commissioner Cooper

Commissioner Jueneman (joined meeting at 7:19 p.m.)

Staff members present:

Robert Case, Principal Planner

David Knopick, Community Development Director

Melissa Krayca, Administrative Assistant

Spencer Low, City Attorney (joined meeting 7:12 p.m.)

Matthew Wolff, Finance Director

### **CONSENT AGENDA**

**1. Approval of the minutes as written for the meeting on April 26, 2021.**

**Motion made by Commissioner McNeer to approve the minutes, seconded by Commissioner Meder.**

**Motion passed 5-0.**

### **REGULAR AGENDA**

**Item 2. Consider updated Capital Improvement Plan for conformance with the Gardner comprehensive plan. (This item was heard by the Planning Commission as the Bond Counsel for Item 1 was delayed in traffic.)**

### **STAFF PRESENTATION**

Mr. Matthew Wolff, Finance Director presented an overview of the Capital Improvement Program (CIP) including a 5 year capital plan for infrastructure and park and facility improvements crucial to the community's future. To be defined as a capital project, the project must exceed \$25,000 in cost, and should be a non-recurring expenditure. The City Council's strategic priorities, the Comprehensive Plan, the 20 year Capital Improvement Element, and master plans guide the identification of projects. The key components of the CIP are to identify needs, determine costs, prioritize capital requests and develop financing strategies. There is always more need than funds available so each department is asked to prioritize the requests. Some of the projects are cash financed which has immediate impact to our fund balance and the budget, and others are financed over time by bonds or other types of debt. He explained that the Capital Budget refers to appropriated funds from the formally approved budget, and differentiated the Capital Improvement Program as a the 5 year funding plan from the Capital Improvement Element which is a 20 year visionary document that is adopted in the Comprehensive Plan.

Some of the proposed projects that are in conformance with the Comprehensive Plan goals are as follows:

- 183<sup>rd</sup> St. water interconnection with Water District 7 (2022)
- 183<sup>rd</sup> St tower rehabilitation (2023)
- Prairie Trace electric extension (2021)
- Grata water infrastructure (2021)
- Prairie Trace sanitary sewer extension (2021)
- Prairie Trace 3<sup>rd</sup> phase underground power line (2022)
- W 175<sup>th</sup> & Clare Rd circuit back feed (2024)
- Hilltop Ridge Benefit District-\* 167<sup>th</sup> and offsite sewer (2021)
- Hilltop Ridge Benefit District- 1<sup>st</sup> Plat improvements (2021)
- Sunflower Street sewer improvement(2023)

Staff reviewed the City's Comprehensive Plan to ensure the Capital Improvement Program was in conformance. Some of the CIP projects were specifically mentioned in the Comprehensive Plan as part of the Capital Improvement Element (Chapter 12). New project requests still conform to the general policies outlined in the Comprehensive Plan, such as maintain high quality facilities and services, infrastructure, and preparing for growth.

### **COMMISSION DISCUSSION**

Commissioner Hamm expressed her appreciation for Mr. Wolff's presentation and felt it helped her understand the plan well.

Chairman Boden encouraged the City to look at the lack of parks on the south side of Gardner and a possible CIP in the future to address it. Mr. Wolff stated that the City is working on the Parks Master Plan currently and the Parks Master plan is considered when developing the CIP. Commissioner Meder recognized the need on the south side but pointed out St. Johns Trace on the north is a well-established neighborhood and still lacking after many years.

**Motion made after review of the proposed 2021-2025 Capital Improvement Plan that the Planning Commission find the proposed CIP to be in general conformance with the Gardner Comprehensive Plan.**

**Motion by Meder and seconded by McNeer.**

**Motion passes 5-0.**

**Item 1. Consider updated Main Street Marketplace Project Plan for conformance with the Gardner Comprehensive Plan. (See note above in regard to order change.)**

**STAFF PRESENTATION**

Tyler Ellsworth, Partner with Kutak Rock LLP presented the staff report on behalf of the City of Gardner as Bond Counsel concerning Tax Increment Financing (TIF) in relation to the Main Street Market Place TIF project.

Mr. Ellsworth outlined the history of the TIF Redevelopment District established in October 2019 and its three project areas. Project Area 1 consists of the new grocery store site, Project Area 2 is the former grocery site and Project Area 3 includes the existing retail shops facing Main St. and Lincoln Lane. In 2018, the former Casey's parcel was not for sale but has since been purchased and currently is being developed as a Freddy's restaurant. Project Area 1 of the existing TIF district excluded the former Casey's parcel at the far southwest corner of the area. The current developer has requested that the former Casey's parcel be incorporated into the TIF District and into the TIF Project Plan as part of Project Area 1. The addition of the parcel would accommodate two pad sites instead of one pad site. The Planning Commission is being asked to consider finding that the amended TIF Project Plan, including this new parcel is consistent with the City's comprehensive plan.

**COMMISSION DISCUSSION**

Commissioner Cooper asked Mr. Ellsworth for map clarification of the parcel in relation to Project Area 1.

Mr. Knopick also gave some background regarding when the Freddy's site plan was submitted that 3 parcels were platted into 2 parcels so this action would add the remainder on one of those parcels into the TIF district.

**Motion made to find that the Second Amended Redevelopment TIF Project Plan for the Main Street Market Place TIF Redevelopment District, Project Area 1 is consistent with the Comprehensive Plan.**

**Motion made by McNeer seconded by Ham.**

**Motion passed 6-0.**

**Item 3. Prairie Trace Estates 2<sup>nd</sup> Plat**

- a. Consider a final development plan for phase II of the Prairie Trace Estates residential development.**
- b. Consider a final plat for a 13 lot single-family residential development.**

**APPLICANT PRESENTATION**

Mark Breuer, Schlager & Associates introduced himself and stated he was available for any questions.

Commissioner Meder referenced Phase I landscaping plan and asked if the HOA is still in control of landscaping plan in Phase II.

Mr. Breuer confirmed that there has been no changes to the previous plan.

**STAFF PRESENTATION**

Mr. Robert Case, Principal Planner, presented the information found in the staff report for Prairie Trace Estates which includes an 8.6 acre, 13 lot single-family residential subdivision. All infrastructure is available to the site and sidewalks will be extended on one side of the road within

this development. This subdivision is the second phase of a 356 lot single family development and has never been platted and is currently undeveloped.

Mr. Case stated that the staff found the plat generally in compliance with the preliminary development plan and is consistent with various policies in the Comprehensive Plan. The proposed arrangement of buildings and open space is consistent with good planning and engineering practices. The architecture and building design uses quality materials and the style is appropriate for the context. The project is within 1 mile of the New Century Air Center and requires County review and approval.

**Motion made after review of application FDP-21-02 a final development plan for Prairie Trace Estates 2<sup>nd</sup> Phase, on a portion of tax ID CF231429-3002 and final development plan dated April 5, 2021 and staff report dated May 24, 2021, the Planning Commission approves the application as proposed, provided the following conditions are met:**

- 1. The applicant shall obtain approval of the final storm water management plan from the Public Works Department.**
- 2. The applications shall be reviewed and approved by the Johnson County Board of County Commissioners prior to the publication of an Ordinance by the City of Gardner Governing Body**

**Motion made by Meder and seconded by McNeer.**

**Motion passes 5-0-1 Cooper.**

**Motion made after review of application FP-21-01, a final plat for Prairie Trace Estates, 2nd Plat, a portion of tax ID CF231429-3002, and final plat dated April 5, 2021, and staff report dated May 24, 2021, the Planning Commission approves the application as proposed, provided the following conditions are met:**

- 1. The applicant shall obtain approval of the final storm water management plan from the Public Works Department prior to the release of the plat for recording.**
- 2. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the release of the plat for recording.**
- 3. The applications shall be reviewed and approved by the Johnson County Board of County Commissioners prior to the publications of an Ordinance by the City of Gardner Governing Body.**
- 4. Revise plat to show the full street names.**
- 5. The plat shall include landscaping, 1 tree and 2 shrubs per lot.**

**And recommend the Governing Body accept the dedication of right-of-way and easements.**

**Motion made by Ham and seconded by McNeer.**

**Motion passes 5-0-1 Cooper.**

**Item 4 Prairie Trace Meadows 2<sup>nd</sup> Plat**

- a. Consider a final development plan for phase II of Prairie Trace Meadows residential development.**
- b. Consider a final plat for a 30 lot single-family residential development.**

### **STAFF PRESENTATION**

Mr. Case presented the information found in staff report for Prairie Trace Meadows 2<sup>nd</sup> Plat consisting of a 30 lot single family subdivision on 9 acres. The subdivision is the second phase of a 356 single lot single family development. The property has never been platted and is undeveloped. The proposed building elevations include the use of stucco and stone veneer with additional details to columns and windows. The staff finds the final plat to be in general compliance with the preliminary development plan and consistent with various policies in the Comprehensive Plan. The proposed arrangement of buildings and open space is consistent with good planning and engineering practices. The architecture and building design uses quality materials and the style is appropriate for the context. The project is also within 1 mile of New Century Air Center and requires County review and approval. The staff recommends approval of the final development plan for Prairie Trace Meadows 2<sup>nd</sup> Phase.

### **COMMISSION DISCUSSION**

Commissioner Jueneman asked a question concerning the storm water retention and subsequent outflow on Tract C

Mr. Breuer stated the retention basin will flow downstream to the existing waterway while meeting the City's storm water policies. The basin is one of the few approved by the airport commission to be a wet basin.

**Motion made after review of application FDP-21-03, a final development plan for Prairie Trace Meadows, on a portion of tax ID CF231429-3002 and final development plan dated April 5, 2021, and staff report dated May 24, 2021, the Planning Commission approves the application as proposed.**

**Motion made by McNeer and seconded by Ham.**

**Motion passes 5-0-1 Cooper.**

### **STAFF PRESENTATION**

Mr. Case presented the staff findings for the Prairie Trace Meadows final plat. The final plat is in substantial compliance with the preliminary plat and no deviations are requested. There will be no excise tax levied and the project is within 1 mile of the New Century Air Center which requires County review and approval. Staff recommends approval of the final plat for Prairie Trace Meadows, 2<sup>nd</sup> Plat with conditions outlined in the recommended motion.

**Motion made after review of application FP-21-02, a final plat for Prairie Trace Meadows, a portion of tax ID CF231429-3002, and final plat dated April 5, 2021 and staff report dated May 24, 2021, the Planning Commission approves the application as proposed, provided the following conditions are met:**

- 1. Revise the plat to provide the full street names.**
- 2. The application shall be reviewed and approved by the Johnson County Board of County Commissioners prior to the recording of the plat.**
- 3. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the release of the plat for recording.**
- 4. The plat shall include landscaping, 1 tree and 2 shrubs per lot.**

**And recommends the Governing Body accept the dedication of right-of-way and easements.**

**Motion made by Meder and seconded by Jueneman.**

**Motion passes 5-0-1 Cooper.**

**Item 5. Enclave at Prairiebrooke**

- a. **Hold a public hearing and consider a rezoning for 17.66 acres from C-O and RP-3 to R-2 District.**
- b. **Consider a preliminary plat for Enclave at Prairiebrooke, a 17.66 acres, 31 lot duplex development.**

**APPLICANT PRESENTATION**

Tim Tucker, Phelps Engineering and Richard Rhodes, LCR Development both were present and available for questions. Mr. Tucker presented a brief overview of the existing zoning and proposed zoning and development.

**PUBLIC HEARING**

Karg Byung, resident of Olathe, KS inquired if the proposed zoning of CO would be changed.

Mr. Case stated that a portion of the site is zoned CO but the majority is RP-3. There will be no change in zoning of the majority of the current CO district – as it is on another parcel.

**Motion made to close the public hearing.**

**Motion made by McNeer and seconded by Meder.**

**Motion passes 6-0**

**STAFF PRESENTATION**

Mr. Case presented the information in the staff report for Enclave at Prairiebrooke. The property includes 17.66 acres of land located at the northwest corner of Kill Creek Rd and 175<sup>th</sup> Street, just north of the Gardner Municipal Airport. The site was annexed on September 5, 2000 and has been rezoned several times, but has remained undeveloped. It was first rezoned from Agriculture to planned district as part of a larger development to include 140.9 acres of single family residential detached homes, row houses, and multi-family housing adjacent to nonresidential development. It was rezoned in 2004 to RP-3 planned two-family residential District as part of an envisioned development to also include office building, planned garden apartment and single-family residential districts. North of the subject property are two parcels zoned RP-3 which are undeveloped. To the east of the property and east of Kill Creek Rd. is the Prairiebrooke Villas parcel zoned RP-3 for a four-plex development and Prairiebrooke Subdivision zoned RP-2 for duplexes. South of the proposed rezoning is the Gardner Airport, which is zone A- Agriculture and west of the property is zoned RP-3 which is undeveloped. The property is currently not platted and in agriculture use. It will be accessed from an existing collector street, Kill Creek Rd and extension of Pratt St. An existing 8" sanitary sewer is located along Kill Creek Road and electric exists along the north side of 175<sup>th</sup> St. Eight inch water mains are in place along 175<sup>th</sup> and Kill Creek Rd. The subject parcel contains an existing stream and floodplain.

The parcel is indicated as Low Density Residential future land use on the Future Land Use Plan of the Comprehensive Plan. The Future Land Use Plan has recently been updated for portions of the community, such as the Main Street Corridor and areas around the highway interchanges, but the area of the subject property has not been updated since the adoption of the plan in 2014. The Planning Commission has initiated a potential amendment to the Future Land Use Plan for areas not addressed in other recent plans. The current Future Land Use

Plan is not consistent with the current zoning of RP-3 across Kill Creek Road that has been in place since 2004. Low density residential as defined in the plan and the Land Development Code is consistent with single-family, duplex, and triplex uses arranged in a low density format on larger lots with buildings in character with typical single family homes. The preliminary plat includes 31 lots on 9 acres, 3 acres of right-of-way, and 5 acres of open space. There are a total of 62 dwelling units. The staff finds the rezoning to be consistent with the character of neighborhood and consistent with existing planned zoning to the east. It meets changing community needs, promotes infill residential and is compatible with surrounding uses. Staff recommends approval of the rezoning from C-O and RP-3 to R-2 District.

### **COMMISSION DISCUSSION**

Commissioner McNeer asked if the planned development would be rentals or homes sold.

Mr. Richard Rhodes stated the homes are intended to be sold but with the increasing price of building materials it may change by the time homes are built.

Commissioner Cooper inquired about the traffic flow impact to 175<sup>th</sup> St. with increased population in the area.

Mr. Case explained that the applicants engineer has provided a traffic impact study that has been approved.

Mr. Knopick stated the widening of 175<sup>th</sup> may be an arterial project conducted by the City in the future but right-of-ways is being dedicated now for that potential.

**Motion made after review of Application Z-21-02, a Zoning Map Amendment for parcel CF221422-2002 located at the northwest intersection of 175<sup>th</sup> Street and Kill Creek Road, and staff report dated March 24, 2021, the Planning Commission recommends the Governing Body approve the request to rezone 17.3 acres from C-O (Office Building) and RP-3 (Planned Garden Apartment) District to R-2 (Two-Family Residential) District.**

**Motion made by McNeer and seconded by Ham.**

**Motion passes 5-0-1 Cooper.**

### **STAFF PRESENTATION**

Mr. Case presented staff findings for the Preliminary Plat of the Enclave at Prairiebrooke. The application is in accordance with the comprehensive plan and complies with the requirements of the land development code. Any phasing proposed in the application is clearly indicated and demonstrates a logical and coordinated approach to development. Any impacts identified by specific studies or technical reports, including preliminary review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments. The application does not deter any existing or future goals and policies of the comprehensive plan. The design does not impede the construction of anticipated or planned future public infrastructure within the area. The staff recommends approval of the Preliminary Plat with conditions.

**After review of Application PP-21-02, a Preliminary Plat for parcel CF221422-2002 located at the northwest intersection of 175<sup>th</sup> Street and Kill Creek Road, and Preliminary Plat dated April 5, 2021 and staff report dated May 24, 2021, the Planning Commission approves the application as proposed, provided the following conditions are met:**

- 1. Rezoning Z-21-01 is approved by the Governing Body.**
- 2. Approval of the storm water management plan and traffic impact study.**

**Motion made by Meder and seconded by McNeer.**

**Motion passes 5-0-1 Cooper.**

**Item 6. Aspen Creek V**

- a. Consider a 16 acre, 56 lot single-family residential development.**

**STAFF PRESENTATION**

Mr. Case presented the information found in staff report for Aspen Creek V. The site is approximately 16 acres of land located at the east terminus of 185<sup>th</sup> St. and the south terminus of Canton St. It has never been platted and is undeveloped. The final plat consists of 56 lots on 16 acres with multiple points of access into the subdivision and is a continuation of the existing Aspen Creek development to the north and west. All infrastructure is available to the site and sidewalks will be extended on both sides of the roads within this development. The staff finds the final plat in substantial compliance with the preliminary plat and the land development code and is consistent with the goals of the comprehensive plan. The request for final platting is consistent with the established goals and policies of the City. The staff recommends approval of the final plat for Aspen Creek V, with conditions.

**COMMISSIONER DISCUSSION**

Commissioner Meder asked for clarification concerning the lack of trees in the landscape of Aspen Creek.

Mr. Case explained that when the future final development plan is reviewed there will be a required buffer landscape plan.

Commissioner Cooper inquired about the location of the buffer in relation to the map provided.

Mr. Case explained the future buffer will be in between the R-1 and R-2 zones and will be addressed in the future development plan.

Mr. Knopick added that the buffer will be south of the property line and is required of the more intense zoning of R-2.

**Motion made after review of case PP-20-12, a preliminary plat for Aspen Creek V, Tax Id CF221436-1005, located at the terminus of Canton Street approximately 525' south of 183<sup>rd</sup> Street and preliminary plat dated December 4th, and staff report dated March 22, 2021, the Planning Commission approves the application as proposed, provided the following conditions are met:**

- 1. Prior to recording of the final plat, excise tax shall be paid to the City.**
- 2. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the release of the plat for recording.**

**And recommends the Governing Body accept dedication of right-of-way and easements.**



**Motion made by McNeer and seconded by Meder.**

**Motion passes 5-0-1 Cooper.**

**Item 7. Meadows of Aspen Creek II**

- a. Consider a 16 acre, 56 lot single –family residential development.**

**STAFF PRESENTATION**

Mr. Case presented information in the staff report for Meadows of Aspen Creek II final plat. The site is approximately 17.59 acres of land located at the east terminus of 186<sup>th</sup> St. and never been platted and is undeveloped. The property was part of a 158 acre annexation back in April of 1996 and rezoned to R-2 in June 2001. It was then rezoned to RP-4 in April of 2021 (Ord. 2699) for a compact duplex development. The final plat consists of 33 lots and there are multiple points of access into the subdivision and is a continuation of the existing Meadows of Aspen Creek development to the west. All infrastructure is available to the site and sidewalks will be extended on both sides of the roads within this development. The staff finds the final plat to be in substantial compliance with the preliminary plat and the land development code and is consistent with the goals of the comprehensive plan. The request for final platting is consistent with the established goals and policies of the city. Excise tax will be levied with this plat. The staff recommends approval of the final plat for Meadows of Aspen Creek II with conditions.

**COMMISSION DISCUSSION**

**Motion made after review of case FP-20-13, a final plat for Meadows of Aspen Creek II, Tax Id CF221436-1005, located at the terminus of 186<sup>th</sup> Street approximately 2000' east of Gardner Road, and final plat dated December 4<sup>th</sup>, and staff report dated May 24<sup>th</sup>, 2021, the Planning Commission approves the application as proposed, provided the following conditions are met:**

- 1. Prior to recording of the final plat, excise tax shall be paid to the City.**
- 2. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specification and public improvement plans shall be submitted and approved prior to the release of the plat for recording.**
- 3. A final development plan will need to be approved by the Planning Commission prior to the issuance of any building permits.**

**And recommends the Governing Body accept dedication of right-of-way and easements.**

**Motion made by McNeer and seconded by Ham.**

**Motion passes 5-0-1 Cooper.**

**Item 8. Planning Commission Officer Elections**

**COMMISSIONER DISCUSSION**

Commissioner Meder nominated Chairman Boden for an additional term as Chair.

**Motion made by Meder and seconded by Ham.**

**Motion passes 6-0.**

Commissioner Boden nominated Commissioner Meder for Vice Chair.

**Motion made by Ham and seconded by Jueneman.**

**Motion passes 6-0.**

Commissioner Ham asked if consideration could be made on changing the wording of the by-laws to reflect both genders.

Mr. Knopick explained any changes need to come before the planning commission for amendments, and next time the by-laws are opened a revision to the language can be considered.

Mr. Knopick clarified his previous comments regarding the 175<sup>th</sup> arterial road improvements and the use of excise taxes paid by developers. He also gave a brief explanation of the previously discussed landscaping plans throughout the meeting. He stated that at the time of building permit review for a residential home there is a set of requirements that ensure the landscape requirements are met per code. Any additional landscaping requirements may be addressed by the subdivision's HOA.

**Motion made to adjourn by McNeer and seconded by Meder.**

**Motion passes 6-0.**

**Meeting adjourned at 8: 24 p.m.**